

March, and another four who are under criminal investigation.

Against this backdrop, General Richard Myers, the chairman of the Joint Chiefs of Staff, said this past Sunday that he had not read the Taguba report. It has taken until today for Secretary of Defense Donald Rumsfeld to make a statement, and according to a Pentagon spokesman, as late as today, Mr. Rumsfeld had not read the report either.

National Security Adviser Condoleezza Rice is the coordinator of our overall efforts in Iraq. She has been silent as well. Secretary of State Colin Powell says that the entire military should not be condemned for the actions of only a few.

No one is condemning the entire military, but once again I ask who are the few? Does it include those, whoever they are, who told the military police to "soften up" the detainees for interrogation? I cannot accept, especially when we hear that military intelligence and private contractors ordered the actions, that these military police officers just happened to choose acts that are offensive in any culture, but are especially humiliating to males in the Arab and Islamic cultures.

And logic leads me to believe the psychological implications were well understood, and the acts imposed on the detainees were deliberately selected.

It is fair to ask what else may be going on? Has there been such a heavy reliance on private military contractors precisely to evade criminal liability? Have not Iraqis been given new reason to view the United States war on terrorism as a war on terrorism against them, their religion, and their culture?

Congress needs to conduct a probe of the incidents and their wider ramifications. Congress and the American people must answer to questions that we can be sure that the people of Iraq and all Muslim lands are asking. While the full weight of punishment should be brought on all of those implicated, the American people, as a whole, need to appreciate how much higher the mountain now is that the President must climb to win the hearts and minds of the Iraqi people and to persuade the Middle East to follow the model of American democracy. Under his leadership things continue to go from bad to worse to terrible.

IRAQ WATCH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Hawaii (Mr. ABERCROMBIE) is recognized for half the time remaining before midnight, approximately 40 minutes.

Mr. ABERCROMBIE. Mr. Speaker, I come before the House this evening in this special order representing those of us who have participated in what we have termed "Iraq Watch."

For some period of time now, several of us have come before this House to

try to analyze in a hopefully dispassionate way but in an informative way what is taking place in Iraq and what the implications are for us here in the House of Representatives, and by extension for the Nation in terms of the political ramifications.

I come here tonight by myself because the other members of Iraq Watch, the gentleman from Pennsylvania (Mr. HOFFEL), the gentleman from Massachusetts (Mr. DELAHUNT), the gentleman from Ohio (Mr. STRICKLAND), the gentleman from Washington (Mr. INSLEE), and others who have joined us periodically are otherwise occupied this evening. But I come here representing those who have participated because of the seriousness of the issues that are now confronting us with respect to Iraq.

I have before me, Mr. Speaker, a copy of the May 3, 2004, issue of the New Yorker Magazine entitled "Torture at Abu Ghraib." I cite this, Mr. Speaker, because I am afraid we are going to hear this phrase on more than one occasion in the days to come. It is written by Seymour Hersh, subtitled "American Soldiers Brutalized Iraqis, How Far Up Does the Responsibility Go?" I am citing this to the Members this evening, Mr. Speaker, because this is the only comprehensive report that I, as a member of the Committee on Armed Services, and as a Member of the House, have been able to get. I was intrigued by it because it mentions two reports. The speaker before me, the gentleman from New York, mentioned a report written by Major General Antonio Taguba, who happens to be by coincidence from Hawaii, but he did not mention nor have many other venues that I have observed, television, radio, newspapers, articles, et cetera, another report. The report from General Taguba being completed in February of this year, but that followed on a report that was written and submitted in November of last year, November of 2003, by the Provost Marshal of the Army, the chief law enforcement of the Army, General Provost Marshal Donald Ryder.

□ 2245

I think that I can begin to account for the tone, at least the summary of the tone as far as it has been delivered to us, which is one of outrage. I withdraw that. That is my characterization.

But let me put it this way: I believe it is fair to say if Mr. Hersh's summary is correct, that General Taguba's report was, at a minimum very, very intense, and that Mr. Hersh stated as follows: Its conclusions about institutional failures in the Army prison system were devastating. I think that is a fair summary.

The reason I am citing this to you, Mr. Speaker, is that at a meeting this afternoon, at a briefing this afternoon, convened under the direction of the gentleman from California (Mr. HUNTER), chairman of the Committee

on Armed Services, under his auspices, officers appeared. Given the nature of the hearing, the secret nature of the hearing, again, for good and sufficient reason, I cannot cite to you and will not cite to you the exact dialogue that took place, nor those who were involved in it.

But, suffice to say, it was confirmed to me in that hearing, I should say in that briefing, that there was indeed a report given to General Sanchez, the Supreme Commander in Iraq, in November of last year, and that General Ryder, according to Mr. Hersh, indicated in November, and this is important. The reason we are going through this now and the reason I am going through this recitation is these incidents did not just happen. They did not just appear out of nowhere.

This is not something that the Army was aware of only in February of this year, that there was some kind of shock recognition by the Army that this was taking place in February. Because General Ryder clearly warned, quoting now from the Hersh article, "that there were potential human rights training and manpower issues system-wide that needed immediate attention."

It also discussed serious concerns about the tension between the missions of the military police assigned to guard the prisoners and intelligence teams who wanted to interrogate them.

Again, I will go on, another quotation: "Army regulations limit intelligence activities by MPs to passive collection."

I think this is an important point, because I see some of these National Guard people who have been identified and who have had their pictures on television and are being pointed out and being looked to for responsibility. I think it is important for those who may not be familiar with the situation in prisons, Army prisons, military prisons, that Army regulations limit intelligence activities of MPs to passive collection.

Something obviously went awry here. There was evidence, according to the Ryder report, evidence going back as far as the war in Afghanistan. Now we are going back even previous to 2003. We are talking about post-9/11 and the attack on the Taliban forces in Afghanistan.

According to the Ryder report, as reported by Mr. Hersh, the MPs had worked with intelligence operatives to "set favorable conditions for subsequent interviews," a euphemism, according to Mr. Hersh, for breaking the will of prisoners.

Now, Mr. Hersh indicates that the Ryder report called for the establishment of procedures to "define the role of military police soldiers, clearly separating the actions of the guards from those of the military intelligence personnel."

I am citing this detail to you, Mr. Speaker, because I think it is very important to establish a context here.

General Ryder is the Provost Marshal of the Army. He is the chief law enforcement officer of the Army, and he in his report indicated serious questions with regard to the management and operation of the prison system, and indicated serious reservations about the kinds of expectations of the MPs with regard to military intelligence activity.

Major General Taguba in his report, and, again, I am relying on the Hersh document because, to the best of my knowledge, these reports were not made available even to the intelligence committees, let alone to the Committee on Armed Services, either in the other body or in the House of Representatives.

General Taguba was reported as saying, "Unfortunately, many of the systemic problems that surfaced during Major General Ryder's assessment are the very same issues that are the subject of this investigation."

It amounts to an indictment, Mr. Speaker. I do not know any other way to put it. That is why I say I feel so badly coming down here today. Believe me, this brings no sense of satisfaction to me, to have to report this to you.

If the Army was aware at the highest levels of the difficulties and challenges that existed, let alone the possibility of abuses or even undermining of good order within the Army in terms of what is expected of its personnel in the prison system, and was aware of that in the fall of 2003, it can hardly have come as a surprise then if General Taguba was exercised by what he found taking place in February of 2004.

If indeed General Taguba's report is as detailed and as explicit and its recommendations as clear as it appears to be in the summary given to us in Mr. Hersh's article, how is it possible for the Secretary of Defense, who, after all, is in charge of the uniform military, and the Speaker is well aware of our constitutional circumstances here. The civilian authority is in charge with regard to what the policies of the United States military are going to be. How is it possible for the requisite authority in the Department of Defense not to be aware of what these issues were?

It is very difficult for me to believe that General Sanchez kept this to himself, or that General Sanchez failed to act on the clear warning that General Ryder, his chief law enforcement officer, expressed to him in writing in November of last year. It is difficult for me to believe that there was not some awareness in the Department of Defense that there were possibilities here for disaster, political and military disaster.

Mr. Speaker, it is fair, I suppose, for someone to ask, well, yes, of course we can see why you might be upset as a Member of Congress that you were not informed. And I am, I can assure you of that. In fact, I will cite to you, Mr. Speaker, in a few moments a letter received by the ranking member of the

committee, the gentleman from Missouri (Mr. SKELTON), from the Secretary of Defense, that at best misleads, deliberately misleads the ranking member in questions that he had about private contractors, and at worst is a deliberate subterfuge and challenge to this Congress. Not to Democrats or Republicans. I am talking about a challenge to Congressional authority.

I tell you, Mr. Speaker, we are walking on the edge of fascism in this country if the executive or executive departments think that they are able to make decisions absent the direction and will of the Congress of the United States. For good or for ill, Mr. Speaker, you and I are elected by the people of this country. Secretary Rumsfeld is not elected by anybody. He is an appointment and serves only because he has been approved by the Congress of the United States, in this instance the will of the other body as embodied in their charge in the Constitution.

For good or for ill, the people of this country have put their faith and trust in us to make those decisions. We have clear jurisdictional lines in the Committee on Armed Services. We have clear admonition under the Constitution as to what our duty is and our obligation is under that Constitution with respect to funding and managing the United States military.

For any executive, or anyone in the executive branch, to assume that he or she can take legislative authority unto themselves, particularly when it comes to oversight, is something that is anathema to the constitutional order. Executive authority, ruling by executive authority, has a fascist tinge to it that I find very, very troubling. I do not think it can be excused by the idea that we would be better off without knowing.

I do not know if this is true, Mr. Speaker. I have only the media representations to me, seen in fleeting images and heard in passing tonight. But if I understood correctly and if the information is correct, the President of the United States found out about this from the media. The President of the United States was not informed that these issues were already underway and about to break in the public press.

We are told, at least I am informed, again by media presentation, because we have not had any briefing or explanation of this in the Committee on Armed Services to my knowledge or to the Congress as a whole, that General Myers, the Chairman of the Joint Chiefs of Staff, in fact asked a broadcast network, I believe the CBS network, not to publish or broadcast news of these events that it had before it and was prepared to bring forward.

This is a startling development in our country, that this kind of censorship can take place, because we are not talking here about putting members of the United States military in harm's way because of the revelation of immediate plans of attack or the assumption

of military planning that would otherwise bring aid and comfort or information to forces that might attack us or do us harm. This was not an instance of that.

On the contrary, if what has been presented so far is true and is an accurate reflection of what took place, these are clear violations of regulations in the good order in the United States military and a severe blow to the activities of the United States with respect to the reconstruction of the physical facilities in Iraq and the establishment of civil government in the wake of the collapse of the Hussein regime.

It strikes me that when the ranking member makes a request, as he did on April 2, and the ranking Member, as you know, is the senior minority member, in this instance the gentleman from Missouri (Mr. SKELTON). He serves as the senior Democratic member on the Committee on Armed Services under the leadership of the gentleman from California (Mr. HUNTER).

On April 2 Mr. SKELTON wrote a letter to Mr. Rumsfeld, the Secretary of Defense. I would like to quote it to you in some length.

"Dear Mr. Secretary. I would like to first extend my sympathy and display over the recent brutal killings in Fallujah. All of the killings in Iraq, both of our troops and of contractors and civilians, have been unacceptable and tragic, but the murder and desecration of the four Americans working for Blackwater USA was particularly barbaric. I would hope that plans are being prepared for a measured but powerful response. One of the issues raised by this tragedy is the role played by private military firms such as Blackwater.

□ 2300

"Media reports indicate at the time of the ambush the personnel in question were providing security for a food delivery convoy. I understand that Blackwater provides personal security for Ambassador Paul Bremer. I would like to request that you provide my office with a breakdown of information regarding private military and security personnel in Iraq."

That bears repeating, Mr. Speaker: "I would like to request you provide my office with a breakdown of information regarding private military and security personnel in Iraq. Specifically, I would like to know which firms are operating in Iraq, how many personnel each firm has there, what specific functions they are performing, how much they are being paid, and from which appropriations account. Additionally, I would like to understand what the chain of command is for these personnel, what rules of engagement govern them, and how disciplinary or criminal accusations are handled, if any such claims are levied against them."

This is in April, early April. These questions, these measured, sober, serious questions regarding the privatization of this war are being asked by the

senior minority member of this House of the Committee on Armed Services.

"Firms like Blackwater are clearly serving important functions in Iraq and putting themselves at risk. It is important that the Congress have a clear sense of the roles they are playing so that we can conduct effective oversight. I appreciate your assistance in this matter. Sincerely, IKE SKELTON, Ranking Democrat."

I think by any measure, Mr. Speaker, this would be seen as a letter that, as I have already indicated, is sober and serious and measured in its content and specifically and particularly on the mark with respect to the role and responsibility of private contractors.

Why am I bringing that up? Because it appears, Mr. Speaker, that there are serious instances of perhaps a blurring of institutional and responsibility lines, with private contracting, military intelligence, and the conduct of the prison guards and those in charge of the Army prisons.

Why I am particularly exercised even more than I was this afternoon? Because I thought this afternoon, well, we have to try and determine where we are going to go, and I put out a release to that effect in order to answer to my constituents as to what the thoughts were on this issue at this time. I thought, well, we better be careful about making grand pronouncements about what we need to do and where we are going to go until we find out all of the facts and see where they lead. But I will tell my colleagues, Mr. Speaker, I have come to the conclusion that the Secretary of Defense has to think very seriously about resigning. I have come to that conclusion only since this afternoon, late this afternoon, early this evening, rather, when I became aware of the answer to the gentleman from Missouri (Mr. SKELTON) dated May 4, the date that I received this, May 4 is printed on here; whether it was written May 4 or whether it was received in the office of the gentleman from Missouri (Mr. SKELTON) on May 4 is difficult for me to determine. It may be that that is a stamp to indicate to my office that it was received in my office on May 4.

But here is the answer given by Donald Rumsfeld, the Secretary of Defense: "Thank you for your letter of April 2 regarding private security personnel. A discussion paper provided by the Coalition Provisional Authority responding to the points that you raised is attached," and it is.

Now, here is the answer given by the Secretary of Defense with regard to private companies, knowing, knowing now, this is April, knowing about the report of November 5, knowing about the 30-plus or 35 investigations under way, according to reports that we have received in the press, which I think reflect accurately some of the conversation that was held this afternoon. Multiple, let me put it this way, multiple investigations under way. Knowing that, knowing that he had the report of

General Taguba before him, knowing that this material had been deliberately asked to be censored and withheld from publication in the network news.

Here is what he says: "Some private security companies called PSC, private security companies, under contract in Iraq provide, one, personal security services for senior civilian officials, as well as some visiting delegations. Two, they also provide physical security for nonmilitary facilities inside the green zone and convoy protection for nonmilitary goods. Three, they provide protection for government support teams consisting of Coalition Provisional Authority personnel and government contractors who team with local Iraqi officials to develop local government structures and functions."

Not a word, Mr. Speaker, about the role of private contractors and military intelligence or in the prison system. How is it possible for the Secretary of Defense not to mention this, given the context in which this answer was given to the gentleman from Missouri (Mr. SKELTON)? That is why I am so exercised about the contempt that the Secretary is showing for the Congress and yes, indeed, for the President of the United States. How is it possible for the Secretary of Defense to face Mr. Bush, let alone this Congress, and say that he deliberately, I cannot think of any way else to characterize it, deliberately kept us from understanding what it was that these private contractors were doing in this prison context.

He goes on to say: "It is my understanding that most of these private security companies doing business in Iraq do not work directly for the U.S. Government." Well, who are they working for then? They work under subcontracts to prime contractors to provide protection for their employees, as if there is some benign presence. We are in the middle of a war on terror, we are told. We are in the middle of a war in Iraq. The Speaker is well aware that I characterized this more than a year ago in May when we returned, when we were among the first group to go with the gentleman from California (Mr. HUNTER), some of us went with him, among the first group to enter Baghdad after the initial attack on Baghdad and some of us said, yes, there was an attack on Baghdad and now the war is starting.

Unfortunately, that has proven to be only too true, for the Secretary of Defense to pretend in the middle of a war situation in which our troops are put at risk, that somehow, there is this semi-benign presence in Iraq, of private contractors to go about their business without the supervision or the oversight of the Department of Defense and the United States military. I mean, it is an insult.

"A draft CPA order, Coalition Provisional Authority order, on regulating the private security companies which will require certain data from each firm has been prepared with input from the Iraqi Ministry of the Interior."

I mean, the contempt of this letter is incredible.

"The Iraqi Ministry of the Interior and Ministry of Trade will be largely responsible for the administration of this and any revisions that may be promulgated by the Iraqi interim government after June 30. Finally, the Department of Defense is drafting uniform guidance regarding private security companies employed in Iraq under contract using U.S. appropriations."

It is as if it does not even exist at this point.

"I hope this is useful. We can provide additional information or briefing if you would like."

Then we have a summary here in the attachment which includes a list, Mr. Speaker, of the private security companies operating in Iraq.

Now, I believe that there was a company called CACI. I do not precisely have that because I do not have the report here; I am looking for it in this list of private security companies operating in Iraq. Perhaps it is listed here, but I cannot find it among the 60, the 60 companies that are listed here. It may be that I am not sufficiently conversant with the actual names and acronyms of the security companies that were working intelligence privately in Iraq. I would be more familiar with it had we been briefed on it, had we been given the information, as is not only our right, but our obligation to have in the Committee on Armed Services.

□ 2310

I cannot find it. It is very, very difficult for me to believe that we are in a situation, post-Watergate in which it is necessary to know the answer ahead of time in order to ask the right question. It seems to me the questions posed by the gentleman from Missouri (Mr. SKELTON) are clear enough. It seems to me that the answer here, while probably technically correct, leaves out valuable information. This is clearly not an exhaustive list of the private companies that were involved.

I concentrate on this, Mr. Speaker, because I think we face a serious crisis here in the Congress. If we are going to allow the executive to conduct this war in our name, the name of the people of the United States, and we constitutionally have not only the authority, but the responsibilities of legislating the policies associated with arming and supporting our military, our United States military as well as establishing the policies of this Nation to be carried out by the executive. The executive does not tell us what to do. We again, for better or for ill, are given and required by the Constitution to exercise that legislative authority.

The legislation we have put together, the policies that we have assume by virtue of a majority activity in both Houses of this Congress, are what constitutes the policies of this country that will be carried out by the executive. The executive can inform of his or

her desires in this regard, but we are the ones that have to decide this. We are the ones that have to exercise the oversight.

So I say to you, Mr. Speaker, that these are very, very serious allegations. No question about that. I do not come here this evening speaking with any kind of relish or enjoyment of what is required of us here. But I can tell you I was a probation officer in my life. I have been an officer of the court. I have had professional responsibilities in county jails, in San Quentin Prison. I know what it is like to have to conduct drug tests. I know what it is like to appear at a booking desk every morning year in and year out. I know what is involved in investigations in arrests and prosecutions.

I know what is involved in making reports on what needs to be done and how it should be done and what the conducts of officers of the courts are with respect to the management and maintenance of jails and prison systems.

I have legislative responsibilities with regard to how prison systems are run and under what circumstances and what is required of the personnel as a legislator. I have been the chairman of a committee with responsibility for the police departments in Honolulu, the Honolulu Police Department, under the jurisdiction of the committee that I was privileged to serve on and chair in the city and counties of Honolulu. I understand what is at stake in prison system, and I know this from my own personal experience, what is required in a prison system is, first of all, certainty, certainty.

You must know from the top to the bottom exactly what the rules are. Certainty and activity. Those are the two fundamentals. Once you have those established in a prison system, then you know where you stand. Nobody can talk to me about failure to train some National Guard operatives on the jail cell level and tell me that they were operating on their own. That does not happen, Mr. Speaker. It does not happen in the county jail. It does not happen in a state prison. And it does not happen in a Federal prison system. Certainty from top to bottom is required. If it does not exist that is failure of leadership that has to be accounted for and responsibility has to be taken.

So far as I can see right now, there is some reprimands being handed out. There are some court-martials being held at the lowest possible level. And yet we have two reports, the Ryder report and the Taguba report, that I do not believe for a moment did not see the light of day at the general officer level and at the highest levels of the Department of Defense.

If it is true that the President of the United States was not informed by his Secretary of Defense as to what the situation was and what was likely to happen, that is dereliction of duty on the part of the Secretary vis-a-vis the President of the United States. It is far

worse in my estimation that you let down the person who has entrusted you, entrusted you with the responsibility for carrying out the executive policies of this Nation.

It is bad enough that the Congress of the United States was not informed. But they have the President of the United States left in the dark on something that was sure to have incredible negative ramifications with respect to Iraq and the position of the United States is unforgivable. It is intolerable. But I know as sure as my own experience indicates, that it is not possible for the leadership at the levels that I have discussed not to have been aware that at minimum the possibilities of this disaster was there and needed to be addressed. At a minimum. And worse, that they knew it was going on and tolerated it.

We need to have a full exposure of exactly who knows what. Not because, Mr. Speaker, I wanted to have some kind of a media field day or some kind of a tabloid extravaganza, but because the very responsibility of this Congress is at stake. Either we are informed, Mr. Speaker, about what the situation is and where we are going so that we can make a decision with regard to oversight or we are not.

So, Mr. Speaker, in conclusions, I want to ask you in your role as Speaker, to acknowledge the facts that this is a requirement of the Congress of the United States, that we exercise oversight on behalf of the people of this Nation and the values of this Nation. If we do not do it, Mr. Speaker, who is going to do it?

It is apparent that no one wants to take responsibility in the Department of Defense. No one wants to take responsibility in the military at the present time. No one is exploring right now exactly what the boundaries were or were not. No one is examining the role of private security corporations in the intelligence gathering on behalf of the United States military and on behalf of the security interests of this Nation. No one asked me about it, I can assure you on the Committee on Armed Services as to whether I thought that was a good idea. I cannot speak about the Permanent Select Committee on Intelligence, but I am hard pressed to think that the Permanent Select Committee on Intelligence, Republican or Democrat, this has nothing to do with the partisan nature of any kind of political discussion we might be having, but it is difficult for me to believe that anybody on the Permanent Select Committee on Intelligence sanctioned such a thing or that there was knowledge of it in the Permanent Select Committee on Intelligence or that it would not have been shared with the Office of the Speaker at a minimum with the leadership of both sides of the aisle.

We have to have an understanding of whether our role as overseers of the United States strategic interests is going to be honored. If we do, then per-

haps we can reestablish some credibility. If we do not, then I fear that the role that Secretary Rumsfeld has assumed for himself, namely, chief operating officer of the United States, without any responsibility to the chief executive of this Nation, the President of the United States, or any responsibility to the Congress of the United States. He gets to decide what we will do and what we will not do. He gets to decide whether or not this country is going to be put into a series of circumstances and situations that are totally untenable in terms of the values of this Nation or what the goals and aspirations we have with regards to our security interests and the peace of the world.

I think that we need to have a clear understanding that unless the Secretary can answer these questions he has to consider resigning. He has to consider whether or not we are going to have a cleansing of the way in which this war is being conducted, in the manner in which it was being reported to us in the Congress and by extension to the people of the United States.

□ 2320

I appreciate the fact, Mr. Speaker, that these are difficult questions, that I have only been able to present a summary of what is at stake here; and I appreciate your patience and forbearance as I have enunciated it.

I do think very, very clearly, Mr. Speaker, that there this is something that has to be addressed, and I would hope that the leadership of the House, both majority and minority, will settle on the proper venue, which I personally believe to be the Committee on Armed Services, but perhaps a joint committee situation, in which these issues are explored; and I hope that the Secretary of Defense will be able to answer adequately what his responsibility and obligation is.

HORSE SLAUGHTERING FOR HUMAN CONSUMPTION

The SPEAKER pro tempore (Mr. COLE). Under the Speaker's announced policy of January 7, 2003, the gentleman from Kentucky (Mr. WHITFIELD) is recognized until midnight, approximately 40 minutes.

Mr. WHITFIELD. Mr. Speaker, the first Saturday in May is a special day in the heart of anyone who considers themselves to be a Kentuckian. It is also a special day in the heart of anyone, whether they live outside of Kentucky or not, whether they are a citizen of some other country of the world, but if that person has a special affinity for a breed of horse called the thoroughbred, the first Saturday in May is a special day because it is on that day that the Kentucky Derby is raced each year.

This past Saturday, the 130th running of the Kentucky Derby was held in Louisville, Kentucky, and a chestnut colt by the name of Smarty Jones